

APPEAL NO. 021160  
FILED JUNE 17, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 11, 2002. The hearing officer determined that the respondent's (claimant) compensable injury of \_\_\_\_\_, extends to and includes chondromalacia and a baker's cyst, but does not extend to and include a meniscal tear. The appellant (carrier) appealed, arguing that the hearing officer's determination is against the great weight and preponderance of the evidence. The claimant filed a response urging affirmance.

DECISION

Affirmed.

The claimant had the burden to prove by a preponderance of the evidence that his compensable injury of \_\_\_\_\_, extends to and includes chondromalacia, a baker's cyst, and a meniscal tear. Johnson v. Employers Reinsurance Corporation, 351 S.W.2d 936 (Tex. Civ. App.-Texarkana 1961, no writ). Extent of injury is generally a question of fact. Texas Workers' Compensation Commission Appeal No. 93613, decided August 24, 1993. There was conflicting medical evidence regarding the disputed issue. Section 410.165(a) provides that the contested case hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility of the evidence and determines what facts have been established. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). The hearing officer clearly states in the Statement of Evidence that "the Claimant's compensable injury extends to and includes a baker's cyst and chondromalacia," and concludes that his compensable injury does not extend to or include a meniscal tear. We have reviewed the evidence of record and perceived that the challenged determination is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS, SUITE 750, COMMODORE 1  
AUSTIN, TEXAS 78701.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Susan M. Kelley  
Appeals Judge

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Roy L. Warren  
Appeals Judge